



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 21 2016

CERTIFIED MAIL 7007 2680 00000 3272 0255
RETURN RECEIPT REQUESTED

Mr. Michael Patrick, P.E.
Director, Waste Resources Division
City of Chattanooga
455 Moccasin Bend Road
Chattanooga, Tennessee 37405

Re: Review of the Capacity Assurance Program
U.S. District Court Civil Action 1:12-cv-00245

Dear Mr. Patrick:

The U.S. Environmental Protection Agency Region 4 and the Tennessee Department of Environment and Conservation (TDEC) have reviewed the Capacity Assurance Program (CAP) for the City of Chattanooga (the City) pursuant to Section VI.20.h of the subject Consent Decree above. The EPA and TDEC have identified the following questions and issues needing additional clarification.

CAP Questions and Comments:

1. Section 2.3: The EPA and TDEC recommend adding the definition of "one hour peak flow" as detailed in Section VI.20.h.ii of the subject Consent Decree to the list of definitions in the CAP.
2. Sections 3.2 and 3.3: The EPA and TDEC recommend adding language to the Sections to clarify that if the Capacity Analysis Evaluation shows the City does not have adequate collection, transmission, or treatment capacity and/or the Chronic Overflow Evaluation shows the new connection or additional flow is in any part of a sewershed upstream of a chronic overflow location, the City will not authorize the new connection or additional flow unless specific conditions are met.
3. Sections 3.4.1 and 6.2.1: The City needs to ensure the Quarterly capacity analysis meets the requirements of Section VI.20.h.ii.(E) of the subject Consent Decree.
4. Section 3.6: The EPA will not be involved in authorizing new service connections or additional flows from existing connections after the subject Consent Decree has been terminated. The EPA recommends changing the section to read, "...as agreed upon in writing by EPA prior to the termination of the Consent Decree, and in the cases...."

5. Section 3.8: What is the timeline for modifying the City ordinance to require a capacity assessment as part of the building permit process?
6. Section 5.1: The definition for chronic overflow location is missing the word, "not." The first sentence of the section should read, "chronic overflow locations are locations within 500 yards of each other that have experienced collectively, within twelve months prior to the date of analysis, more than five (5) SSOs provided that they are not caused by a single rainfall event."
7. Section 6.1: Section VI.20.h.iv.(H) of the subject Consent Decree requires the City to use the results of the annual review of the estimated flow reductions compared to the actual flow reductions to adjust future estimates as necessary.
8. Section 6.2: What is the timeline for establishing a list of all authorized new sewer service connections or increases in flow which have not yet been introduced into the wastewater collection and transmission system?

Please contact Ms. Sara Janovitz at (404) 562-9870 or via email at janovitz.sara@epa.gov, within five days of receipt of this letter to schedule your attendance at a meeting either in person or via telephone conference.

Sincerely,



Alenda E. Johnson, Acting Chief
Municipal & Industrial Enforcement Section
NPDES Permitting and Enforcement Branch

cc: Mr. Karl Fingerhood
U.S. Department of Justice, Washington, D.C.

Mr. Phillip Hilliard
Office of the Attorney General

Ms. Jessica Murphy
Tennessee Department of Environment and Conservation

Mr. Donald L. Norris
City of Chattanooga

Mr. Wade Hinton
City of Chattanooga

Mr. Adam Sowatzka
King & Spalding LLP

Ms. Shelby Ward
Tennessee Clean Water Network